

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
) CASE NO. CR11-131-MJP
Plaintiff,)
)
v.)
) DETENTION ORDER
TU ANH LE,)
)
Defendant.)
_____)

Offense charged: Conspiracy to Distribute Controlled Substances; Distribution of
MDMA; Forfeiture Allegations

Date of Detention Hearing: Septemer 7, 2011.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
based upon the factual findings and statement of reasons for detention hereafter set forth, finds
that no condition or combination of conditions which defendant can meet will reasonably
assure the appearance of defendant as required and the safety of other persons and the
community.

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FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been charged with a drug offense, the maximum penalty of which is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both dangerousness and flight risk, under 18 U.S.C. § 3142(e).

2. Defendant's criminal history includes several failures to comply with sex offender registration requirements, and failure to comply with sex offender treatment. The AUSA proffers that defendant may have given false information regarding his phone number and address in his current sex offender registration. Defendant was born in Vietnam and has refugee immigrant status. His father returned to Vietnam, where he current resides, after his parents divorced about six years ago. There is conflicting information about whether defendant has a child. Defendant has a prior drug felony conviction of approximately two years ago, and the AUSA proffers that defendant could be charged as a career offender with a possibility of a twenty year mandatory minimum sentence. Defendant was on Department of Corrections supervision at the time of the alleged instant offense.

3. Taken as a whole, the record does not effectively rebut the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

It is therefore ORDERED:

1. Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
2. Defendant shall be afforded reasonable opportunity for private consultation with

01 counsel;

02 3. On order of the United States or on request of an attorney for the Government, the
03 person in charge of the corrections facility in which defendant is confined shall deliver
04 the defendant to a United States Marshal for the pupose of an appearance in connection
05 with a court proceeding; and

06 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
07 for the defendant, to the United States Marshal, and to the United State Pretrial Services
08 Officer.

09 DATED this 7th day of September, 2011.

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12 Mary Alice Theiler
13 United States Magistrate Judge
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